

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
 VARIANCE – NW/Corner Baltimore National Pike
 (Edmondson Ave.) and Ingleside Avenue * DEPUTY ZONING COMMISSIONER
 (Westview Mall)
 1st Election District * OF BALTIMORE COUNTY
 2nd Councilmanic District * Case No. 99-238-SPHA

 Westview Investment, L.C., et al *
 Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Westview Investment, L.C., Ocean Lakes, L.C., BW Associates, L.C., and Fair Lakes Retail Development, L.C., by William E. Peterson, Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in prior Case No. 91-426-XA, and a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 2,365 parking spaces in lieu of the required 3,483 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Taylor Chess and Rich Martin, representatives of the owners of the subject property, John Seefried and Ed Haile, representatives of Daft-McCune-Walker, Inc., the engineering consultants who prepared the site plan for this property, Glenn Cook, a traffic engineering expert with The Traffic Group, Inc., and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence presented revealed that the subject property consists of 41.983 acres, more or less, zoned B.M.-C.T. and is located on the northwest corner of Baltimore National Pike and Ingleside Avenue in Catonsville. The property is the site of the Westview Mall, which is currently improved with approximately 700,000 sq.ft. of retail space. The Petitioners purchased the subject

ORDER RECEIVED FOR FILING

Date

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property in November, 1997 and are in the process of upgrading and renovating the existing facility. In conjunction with these efforts, the Petitioners propose to raze an existing parking deck and approximately 171,000 sq.ft. of existing store space to make way for the construction of a 163,268 sq.ft. Lowe's Home Improvement Center. Thus, an amendment to the previously approved site plan and requested variance relief are necessary in order to proceed with the proposed improvements. Further testimony revealed that the renovations to Westview Mall will proceed in two phases, the first of which is the addition of the Lowe's Home Improvement Center. Following this project, a total of 2,142 parking spaces will be provided. However, a future renovation project is planned for the east end of the mall, after which a total of 2,365 parking spaces will be provided. Thus, in anticipation of those future improvements, the Petitioners are requesting a variance at this time to allow an ultimate parking capacity of 2,365 parking spaces in lieu of the required 3,483 spaces.

It should be noted that the Office of Planning supports the Petitioners' request as set forth in their Zoning Plans Advisory Committee (ZAC) comment, dated February 9, 1999. However, they recommended several conditions be imposed upon the granting of the variance relief, due to the property's close proximity to the Westview Park townhouses. Thus, as a condition of approval, I shall incorporate their recommendations as restrictions at the end of this Order.

After considering the testimony and evidence presented at the hearing, I am persuaded to grant the special hearing and variance relief. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted

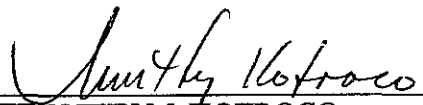
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore

ORDER RECEIVED FOR FILING
Date 2/2/99
By [Signature]

County this 12th day of February, 1999 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case No. 91-426-XA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore county Zoning Regulations (B.C.Z.R.) to permit 2,365 parking spaces in lieu of the required 3,483 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning, dated February 9, 1999, a copy of which is attached hereto and made a part hereof.
- 3) Prior to the issuance of any building permits, the Petitioners shall submit a landscape plan and lighting plan for the subject property to Mr. Avery Harden, Landscape Architect for Baltimore County. Said landscape plan shall show the proposed screen wall to be located to the rear of the new Lowe's Home Improvement Center, and that access to the rear of the proposed store has been closed off.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/2/99
By [Signature]



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5780 Baltimore National Pike
which is presently zoned BM-CT

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

special hearing to amend the site plan approved in Case No. 73-291A. 91-426. BMD

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave. (410) 494-6200
Address Phone No

Towson MD 21204
State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

SEE ATTACHED LIST

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

12-8-98

238

ORDER RECEIVED FOR FILING
Date 2/2/99

99-238-5PHA

SIGNATURE PAGE

Legal Owners:

Westview Investment L.C.

By: William E. Peterson

William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

Ocean Lakes L.C.

By: William E. Peterson

William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

BW Associates L.C.

By: William E. Peterson

William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

Fair Lakes Retail Development L.C.

By: William E. Peterson

William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

ORDER RECEIVED FOR FILING

Date 2/2/09

By [Signature]

238

Revised



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 5780 Baltimore National Pike
which is presently zoned BM-CT

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

Variance from Section 409.6 of the Baltimore County Zoning Regulations to permit 2,365 parking spaces in lieu of the 3,483 parking spaces required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

SEE ATTACHED LIST

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Address

Phone No

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204

(410) 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF

HEARING: unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

99-238-SPHA

ORDER RECEIVED FOR FILING

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Phone No

MD

21204

State

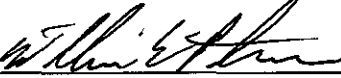
Zipcode

Revised 12/22/98
Drop Off
No Review

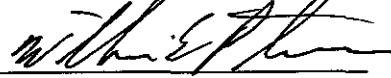
SIGNATURE PAGE

Legal Owners:

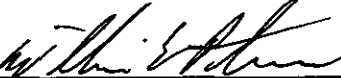
Westview Investment L.C.

By: 
William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

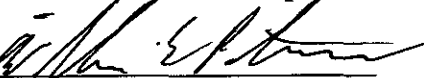
Ocean Lakes L.C.

By: 
William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

BW Associates L.C.

By: 
William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

Fair Lakes Retail Development L.C.

By: 
William E. Peterson, Manager
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 631-7590

ORDER RECEIVED FOR FILING

Date

2/12/09

By



238

Description
To Accompany Petition for Variance
and Special Hearing
41.983 Acre Parcel
Westview Mall



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Northeast Corner of Interstate 695 and Baltimore National Pike
First Election District, Baltimore County, Maryland

Beginning for the same at a point on the northwest right-of-way line of Baltimore National Pike (Edmondson Avenue), as shown on State Roads Commission of Maryland Plat No. 4366, situate 80.48 feet westerly from the point formed by the intersection of the prolongation of the western right-of-way line of Ingleside Avenue, 103 feet wide, with the northwest right-of-way line of Baltimore National Pike, 150 feet wide, as shown on said plat, said point of beginning also being the beginning of the land which by deed dated August 31, 1989, and recorded among the Land Records of Baltimore County, Maryland, in Liber S.M. 8264, Folio 437, and was granted and conveyed by the Equitable Life Assurance Society of the United States to Westview Mall Associates, thence leaving said point of beginning and running and binding on said northwest right-of-way line of Baltimore National Pike as shown on said plat and also as shown on State Roads Commission of Maryland Plat No. 4365 and binding on the first line of the abovementioned deed, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, (1) South 72 degrees 19 minutes 34 seconds

West 1209.66 feet to intersect the northeast right-of-way line of Interstate 695 (Baltimore Beltway), variable width, as shown on State Roads Commission of Maryland Plat No. 19556, thence leaving said northwest right-of-way line of Baltimore National Pike and running and binding on said northeast right-of-way line of Interstate 695 as shown on the third hereinmentioned plat and also shown on State Roads Commission of Maryland Plat No. 19555 and binding on the second through the fifteenth lines of the abovementioned deed, the fourteen following courses and distances, viz: (2) South 78 degrees 01 minute 19 seconds West 30.13 feet, thence (3) South 73 degrees 36 minutes 11 seconds West 96.17 feet, thence (4) South 82 degrees 07 minutes 59 seconds West 41.74 feet, thence (5) North 87 degrees 00 minutes 32 seconds West 46.41 feet, thence (6) North 80 degrees 38 minutes 48 seconds West 46.34 feet, thence (7) North 73 degrees 04 minutes 11 seconds West 46.22 feet, thence (8) North 63 degrees 34 minutes 40 seconds West 46.09 feet, thence (9) North 61 degrees 48 minutes 43 seconds West 145.96 feet, thence (10) North 58 degrees 27 minutes 59 seconds West 298.97 feet, thence (11) North 59 degrees 27 minutes 23 seconds West 298.24 feet, thence (12) North 59 degrees 00 minutes 24 seconds West 183.97 feet, thence (13) North 53 degrees 45 minutes 14 seconds West 56.68 feet, thence (14) North 28 degrees 59 minutes 31 seconds West 35.68 feet, and thence (15) North 46 degrees 20 minutes 42 seconds West 56.57 feet, thence running, in part, and binding on said northeast right-of-way line of Interstate 695 and, in part, binding on the southern outline of the plat entitled "Westview Park Section 3A" dated July 1955 and recorded among the aforesaid Land Records in Plat Book G.L.B. 22, Page 22, and also binding on the sixteenth line of the abovementioned deed, (16) North 56 degrees 36 minutes 39 seconds East 158.58 feet to intersect the

southwest side of Moorehead Road, 50 feet wide, as shown on the fifth hereinmentioned plat, thence running and binding on said southwest side of Moorehead Road and also binding on seventeenth line of the abovementioned deed (17) Southeasterly by a line curving to the left with a radius of 181.86 feet for a distance of 22.47 feet (the arc of said curve being subtended by a long chord bearing South 36 degrees 45 minutes 43 seconds East 22.45 feet), thence running and binding on the southern outline of the fifth hereinmentioned plat and binding on the southern outline of the plat entitled "Revised Plat of Block C - Westview Park Section 3A" dated May 21, 1957, and recorded among the aforesaid Land Records in Plat Book G.L.B. 24, Page 40, and also binding on the eighteenth through twenty-first lines of the aforementioned deed, the four following courses and distances, viz: (18) North 49 degrees 15 minutes 19 seconds East 50.11 feet, thence (19) North 56 degrees 36 minutes 39 seconds East 106.93 feet, thence (20) North 72 degrees 19 minutes 15 seconds East 331.62 feet, and thence (21) Northeasterly by a line curving to the left with a radius of 3351.00 feet for a distance of 896.28 feet (the arc of said curve being subtended by a long chord bearing North 64 degrees 39 minutes 30 seconds East 893.61 feet) to intersect the southwest side of Craigmont Road, 60 feet wide, as shown on the plat entitled "Resubdivision of a Portion of Craftswood Road, Westview Park Section 1-A and a Portion of Craftswood Road and Lot 1-8, Block C - Westview Park Section 3A" dated July 17, 1956, and recorded among the aforesaid Land Records in Plat Book G.L.B. 23, Page 47, thence running and binding on said southwest side of Craigmont Road and binding on the twenty-second and twenty-third lines of the abovementioned deed, the two following courses and distances, viz: (22) South 33 degrees 33 minutes 07 seconds East 74.66 feet, and

thence (23) Southeasterly by a line curving to the left with a radius of 430.00 feet for a distance of 84.40 feet (the arc of said curve being subtended by a long chord bearing South 39 degrees 10 minutes 30 seconds East 84.26 feet) to the beginning of the second line of the land which by deed dated November 12, 1957, and recorded among the aforesaid Land Records in Liber G.L.B. 3276, Folio 539, and was granted and conveyed by Westview Shopping Center, Inc., and Bankers Trust Company to Baltimore Gas and Electric Company, thence leaving said southwest side of Craigmont Road and running and binding on the second through the seventh lines of said deed and also binding on the twenty-fourth through the twenty-ninth lines of the first hereinmentioned deed, the six following courses and distances, viz: (24) Southwesterly by a line curving to the left with a radius of 19.50 feet for a distance of 6.11 feet (the arc of said curve being subtended by a long chord bearing South 59 degrees 16 minutes 37 seconds West 6.08 feet), thence (25) South 50 degrees 17 minutes 23 seconds West 1.66 feet, thence (26) Southwesterly by a line curving to the right with a radius of 243.00 feet for a distance of 54.53 feet (the arc of said curve being subtended by a long chord bearing South 56 degrees 43 minutes 08 seconds West 54.42 feet), thence (27) Southwesterly by a line curving to the left with a radius of 24.50 feet for a distance of 27.92 feet (the arc of said curve being subtended by a long chord bearing South 30 degrees 30 minutes 36 seconds West 26.43 feet), thence (28) South 48 degrees 29 minutes 11 seconds East 128.82 feet, and thence (29) North 41 degrees 30 minutes 49 seconds East 94.49 feet to a 4-inch by 4-inch concrete monument found on the southwest side of Craigmont Road as shown on the plat entitled "Westview Park Section 1-A" dated September 15, 1954, and recorded among the aforesaid Land Records in Plat Book G.L.B. 20, Page 92, thence running

and binding on said southwest side of Craigmont Road and binding on the thirtieth through the thirty-second lines of the first hereinmentioned deed, the three following courses and distances, viz: (30) Southeasterly by a line curving to the left with a radius of 430.00 feet for a distance of 249.03 feet (the arc of said curve being subtended by a long chord bearing South 77 degrees 08 minutes 08 seconds East 245.57 feet), thence (31) North 86 degrees 16 minutes 23 seconds East 588.62 feet, and thence (32) Southeasterly by a line curving to the right with a radius of 20.00 feet for a distance of 31.42 feet (the arc of said curve being subtended by a chord bearing South 48 degrees 43 minutes 37 seconds East 28.28 feet) to intersect the west side of Ingleside Avenue as shown on Baltimore County Bureau of Land Acquisition Plan HRW 58-029-1, thence running and binding on said west side of Ingleside Avenue as shown on said plat and also as shown on Baltimore County Bureau of Land Acquisition Plan HRW 58-029-2 and also binding on the thirty-third line of the first hereinmentioned deed (33) South 03 degrees 43 minutes 37 seconds East 517.86 feet, thence running and binding on the west side of Baltimore National Pike as shown on the first hereinmentioned plat and also binding on the thirty-fourth line of the first hereinmentioned deed (34) South 33 degrees 54 minutes 53 seconds West 127.90 feet to the point of beginning; containing 41.983 acres of land, more or less, as surveyed by Daft-McCune-Walker, Inc., in August 1989.

Being all of the land which by deed dated August 31, 1989, and recorded among the Land Records of Baltimore County, Maryland, in Liber S.M. 8264, Folio 437, and was granted and conveyed by The Equitable Life Assurance Society of the United States to Westview Mall Associates.

November 30, 1998

Project No. 89106.B (L89106B)



son, Maryland on the property identified herein as follows:

Case: #99-238-SPHA
5780 Baltimore National Pike -
Westview Mall
NEC Baltimore National Pike
and I-695

1st Election District
2nd Councilmanic District

Legal Owner(s):
Westview Investment L.C. &
Ocean Lakes L.C. & BW Associates L.C. & Fair Lakes Retail Development L.C.

Special Hearing: to amend the site plan approved in case number 91-426. Variance: to permit 2,365 parking spaces in lieu of the 3,483 parking spaces required.

Hearing: Wednesday, February 18, 1999 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-4386.

(2) For information concerning the file and/or hearing, Please Call (410) 887-3391.

1/312 January 28 C286526

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

1/28/1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/28/1999.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 12-8-98 ACCOUNT R-001-6150
AMOUNT \$ 500.⁰⁰

RECEIVED FROM: The Peterson Companies, L.C.

FOR: Commercial Special Hearing & Variance for
Westview Mall (5780 E. Mt. Nat'l. Fld)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

99-238-SPHA

BALTIMORE COUNTY, MA .AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 12/23/98 ACCOUNT 001-6150
AMOUNT \$ 100.00 (WCR)

RECEIVED FROM: Venable, Baetier & Howard

FOR: REVISIONS CASE #99-238-SPHA
Revised Plats & Variance Petition
Drop-Off --- No Review

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
12/09/1998 12/08/1998 12:00:42
REG 0506 CASHIER MWEL NEW DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 057160
CR NO. 062400

500.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS ACTUAL TIME
12/24/1998 12/23/1998 14:09:05
REG 0506 CASHIER MWEL NEW DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 059795
CR NO. 063012

100.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

RE: Case No. 99-238-SPHA

Petitioner/Developer: WESTVIEW INVEST, LLC, ETAL
% R. HOFFMAN, ESQ

Date of Hearing/Closing. 2/10/99

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at #5780 BALTO. NATIONAL
PIKE - WESTVIEW MALL - 3 SIGNS
POSTED AT ALL PUBLIC ENTRANCES

The sign(s) were posted on 1/25/99
 (Month, Day, Year)

Sincerely,

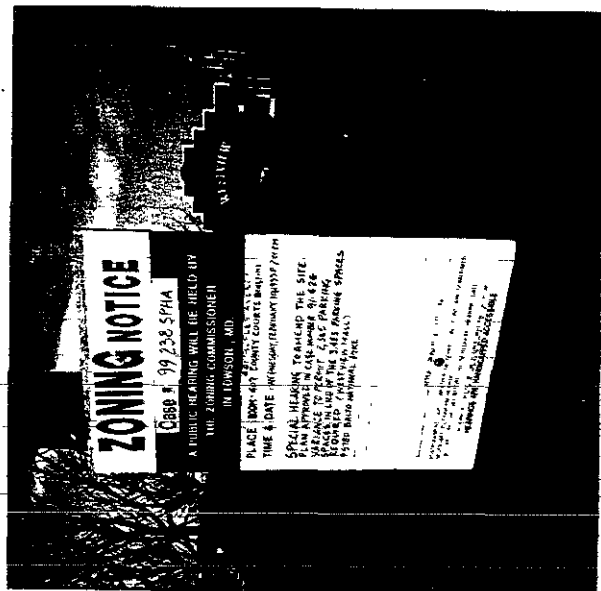
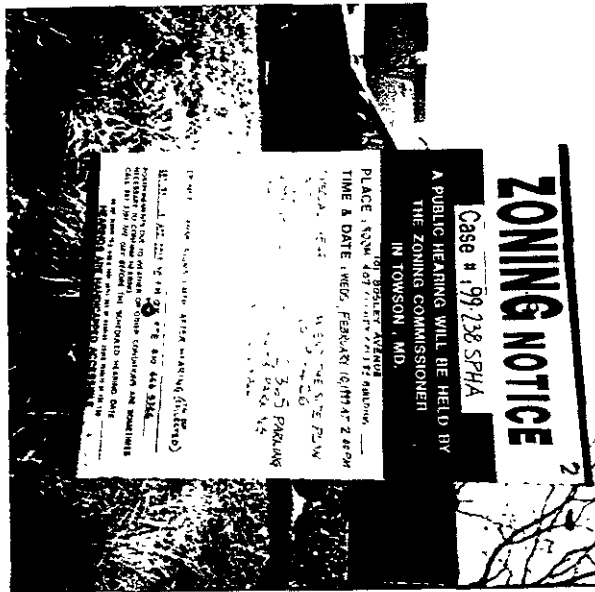
Patrick M. O'Keefe 2/2/99
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
 (Printed Name)

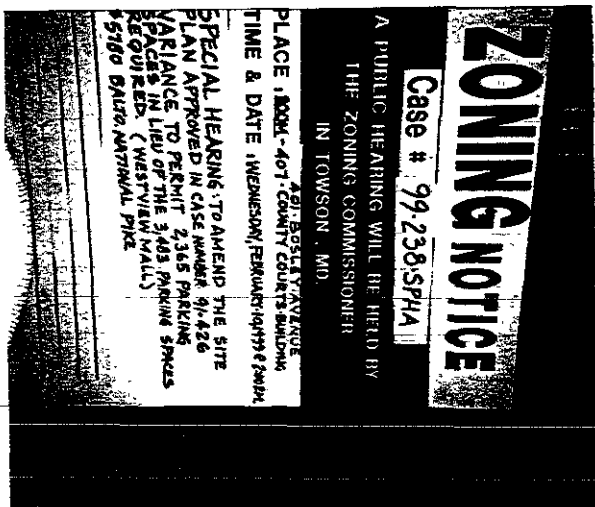
523 PENNY LANE
 (Address)

HUNT VALLEY, MD. 21030
 (City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
 (Telephone Number)



99-238-SPHA
 WESTVIEW INVEST, LLC
 ETAL
 2/10/99
 P. 1/1/25



WESTVIEW
 99-238-SPHA

2/10/99

WESTVIEW
 99-238-SPHA

2/10/99

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
5780 Baltimore National Pike, NEC Baltimore
National Pike & I-695, 1st Election District,
2nd Councilmanic

Legal Owners: Westview Investment L.C., et al.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-238-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 14, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-238-SPHA
5780 Baltimore National Pike – Westview Mall
NEC Baltimore National Pike and I-695
1st Election District – 2nd Councilmanic District
Legal Owner: Westview Investment L.C. & Ocean Lakes L.C. & BW Associates L.C. &
Fair Lakes Retail Development L.C.

Special Hearing to amend the site plan approved in case number 91-426. Variance to permit 2,365 parking spaces in lieu of the 3,483 parking spaces required.

HEARING: Wednesday, February 10, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Westview Investment L.C.
Ocean Lakes L.C.
BW Associates L.C.
Fair Lakes Retail Development L.C.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 26, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
January 27, 1999 Issue – Jeffersonian

Please forward billing to:

Barbara W. Ormord, Legal Assistant 410-494-6201
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-238-SPHA

5780 Baltimore National Pike – Westview Mall

NEC Baltimore National Pike and I-695

1st Election District – 2nd Councilmanic District

Legal Owner: Westview Investment L.C. & Ocean Lakes L.C. & BW Associates L.C. &
Fair Lakes Retail Development L.C.

Special Hearing to amend the site plan approved in case number 91-426. Variance to permit 2,365 parking spaces in lieu of the 3,483 parking spaces required.

HEARING: Wednesday, February 10, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: # 238

Petitioner: Westview Investment L.C.

Address or Location: 5780 Balto. Nat'l. Pike.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA W. ORMORD, LEGAL ASSISTANT

Address: VENABLE, BAETJER & HOWARD, LLP
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Telephone Number: 410-494-6201

Revised 2/20/98 - SCJ

99-238-SPHA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-238-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: To amend the site plan in zoning Hearing
case No. 91-426-XA and to a Variance to
allow 2365 parking spaces in lieu of the
minimum required 3200.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 4, 1999

Robert A. Hoffman Esq.
Venable, Baetjer and Howard , LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 238
Case No.: 99-238-SPH
Location: 5780 Baltimore
National Pike

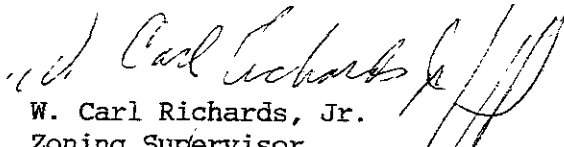
Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on December 8, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: January 25, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for January 25, 1999
 Revisions with No Review:
 Case #99-238-SPHA
 5780 Baltimore National Pike

The Bureau of Developer's Plans Review has reviewed the subject zoning item. An 8-foot-tall sound barrier wall or wood fence be required along the rear residential edge.

Any changes to the existing parking lot lighting be approved by this office.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 1/4/98

FROM: R. Bruce Seeley, Project Manager *RB/JS*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: *of Dec 21, 98*

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s:

236
237
238
239
241
242
243
244
245



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

JANUARY 4, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF DECEMBER 21, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

236, 238, 242, AND 244

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 1/22/99

FROM: R. Bruce Seeley *RBS/gp*
Permits & Development Review
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting for:

The Department of Environmental Protection and Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 255
256
258
99-238-SPHA

done
2/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

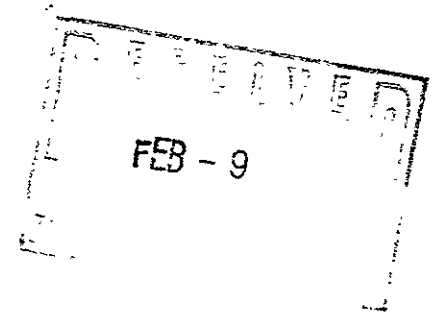
DATE: February 9, 1999

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Westview Mall Special Hearing and Parking Variance

INFORMATION:

Item Number: 238
Petitioner: Westview Investment L.C. et al
Property Size: 41.983 acres
Zoning: BM-CT
Requested Action:
Hearing Date: February 10, 1999



The property in question, 5780 Baltimore National Pike, known as Westview Mall, is requesting a parking Variance to permit 2,365 parking spaces in lieu of the required 3,483 parking spaces and a Special Hearing to amend the site plan approved in conjunction with Case No. 73-291A. Westview Mall is located on one of the county's prime commercial corridors. The proposal is to raze the existing parking deck and buildings F and L, totaling 171,553 square feet. The parking lot will be reconfigured and a new retail building T, a Loew's Home Improvement Center, will be constructed in the general vicinity totaling 163,268 square feet. It should be noted that the new building will be located much closer to the north property line than the previous building, a setback of approximately 60 feet as compared with the previous building's setback of 130 feet. This north property edge adjoins an alley, which is to the rear of an existing townhouse community known as Westview Park. The outline of the townhouses should be shown on the plan.

Revitalization of this major commercial shopping center is consistent with the Baltimore County Master Plan 1989-2000 and is supported by the Office of Planning provided the following comments are addressed.

SUMMARY OF RECOMMENDATIONS:

1. Due to the proximity of the new Loew's building to the alley and the Westview Park townhouses, an adequate buffer is needed in the planting island along the alley to supplement

ORDER RECEIVED FOR FILING

Date

By

INCH_NW\VOL3\WORK\GRPS\COMPLAN\DIANA\Item 238.doc

the existing trees. The preferred buffer is a 6-8 foot high board on board fence placed on south side of the existing trees. The second preference is a larger size of euonymus, preferably 2 ½ to 3 feet in height that would provide a more immediate screen than the 24" size shown on the landscape plan.

2. Avery Harden, County Landscape Architect, prior to issuance of building permits should review the final landscape and a lighting plan.
3. The architecture should be in accordance with architectural elevation drawings dated 12/22/98.
4. The screening wall for the loading area should be clearly labeled in plan view and on the landscape plan
5. The Westview Mall should be improved with TTY facilities to serve the hearing impaired.

6. Section Chief:

Jeffrey W. Long

7. AFK:

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 29, 1998

FROM: Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 21, 1998
 Item No. 238

 The Bureau of Developer's Plans Review has reviewed the subject zoning item. Granting the requested parking variance may impact parking on surrounding roadways negatively.

RWB:HJO:jrb

cc: File

ZONE1221.238



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 1.12.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

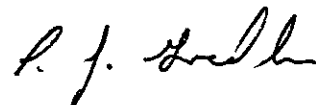
RE: Baltimore County
Item No. # 99-238-SHA
5780

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for 
Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 12.21.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 238

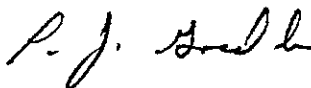
JJS

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Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


So Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITIONER(S) SIGN-IN SHEET

ADDRESS

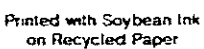
210 Allegheny 2/204

200 E. PENNSYLVANIA AVE. DMW

12500 Fair Lakes Circle suite 400 Fairfax

11 12 13 14 15 16

40 W PENNSYLVANIA AVE TOWSON 2120





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 21, 1999

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Drop-Off Revision Review, Case No. 99-238-SPHA, 5780 Baltimore National Pike

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan, Jr.", is written over a horizontal line.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:scj

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6201

VENABLE
ATTORNEYS AT LAW

December 22, 1998

Mr. W. Carl Richards
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Zoning Case No. 99-238 SP4A
Legal Owner: Westview Investment L.C.

Dear Carl:

With regard to the above-referenced matter, enclosed please find revised Variance Petitions and Site Plans which reflect a change in the number of required parking spaces. Also enclosed is our check in the amount of \$100 for the revision fee.

If you have any questions, please give us a call

Sincerely,

Barbara Ormord

Barbara W. Ormord
Legal Assistant

BWO/e
Enclosures
cc: Robert A. Hoffman, Esquire
Patricia A. Malone, Esquire
TO1DOCS1/BAW01/#76577 v1

REVISED
Drop Off
No Review
12/22/98
nc
↓ JH = off for A. Ward

99-238-SP4A

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
Halderman@counsel.com

December 22, 1998

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

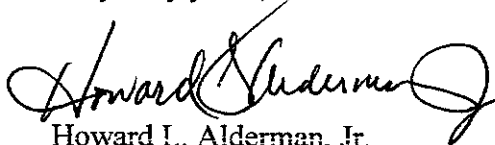
RE: 10881/10883 York Road
Case Nos. 98-238-SPHXA & 98-239-XA

Dear Mr. Schmidt:

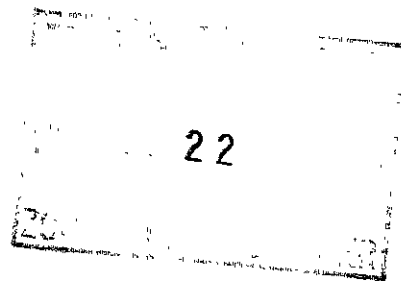
I am enclosing herewith a letter, signed jointly by a representative of my client, 10881 York Road, LLC, and by Messrs. Harvey and Dern who are represented by Robert Sellers, Esquire. Also enclosed is a proposed response to that letter for your consideration.

Should you have any questions in this regard, as always, please do not hesitate to contact Mr. Sellers or me. Thank you for your consideration of the enclosed request.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosures (2)
c (w/encl:) 10881 York Road, LLC
Robert D. Sellers, Esquire



December 21, 1998

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 10881/10883 York Road
Case Nos. 98-238-SPHXA & 98-239-XA
Joint Request for Finding

Dear Mr. Schmidt:

We are writing to request that you find that a slight modification to the information shown on the Plats to Accompanying the above-referenced zoning hearings, as the same were revised pursuant to an Order of Remand issued by the County Board of Appeals for Baltimore County, is within the spirit and intent of your initial Order, dated February 18, 1998 and your Order on Remand, dated July 1, 1998. You may recall that the Plats as approved showed certain first floor elevations for the two buildings proposed.


In order to minimize the earth disturbance and removal from the site and to facilitate installation of public utilities, 10881 York Road, LLC (formerly the contract purchaser, now the owner of the subject properties) has proposed to raise the elevation of each building one foot vertically, above that shown on the Plats as approved. Given the assurances of the owner to the undersigned, Christopher Dern, that there will be no noisy air conditioning or ventilation equipment on the roof and that the trees which are to be planted closest to Cedar Knoll Road will be planted at or very close to the existing grade of the current roadway, this joint request for a finding that the proposed modification is within the spirit and intent of your prior orders is made.

We have taken the liberty to prepare a draft, "spirit and intent" letter for your consideration. Should you have any questions or need additional information in this regard, please do not hesitate to contact us. Thank you for your consideration of this request.

Sincerely,


Christian D. Harvey

10881 York Road, LLC


Christopher Dern

By:  (SEAL)
T. David Farrell, Manager

December __, 1998

Mr. Christopher Dern
15 Cedar Knoll Road
Cockeysville, Maryland 21030

Mr. Christian D. Harvey
17 Cedar Knoll Road
Cockeysville, Maryland 21030

York Road, LLC
Mr. T. David Farrell, Manager
64 Main Street
Reisterstown, Maryland 21136

RE: 10881/10883 York Road
Case Nos. 98-238-SPHXA & 98-239-XA

Dear Messrs. Dern, Harvey and Farrell:

I have received and reviewed your letter dated 12/21/98, wherein you jointly request a finding that a proposed modification to the Plats approved by the various orders issued by me in the above-referenced cases is within the spirit and intent of the approvals granted. Specifically, you have requested that the buildings to be constructed, one at 10881 York Road and the other at 10883 York Road, be permitted to have a first floor elevation of one foot above that elevation shown on the approved plats to accompany the petitions for zoning relief.

Having considered the joint request submitted to me and having considered the representation that the modification of the elevation of these two buildings as proposed will result in less earth disturbance and removal from the site and more appropriate installation of public utilities, without altering any other aspects of the plan, I find that the modifications as proposed are within the spirit and intent of my Order dated February 18, 1998 and my Order on Remand, dated July 1, 1998.

Therefore, pursuant to this letter, the owner/developer of the above-referenced properties will be permitted to erect a building on each property whose first floor elevation is one foot above the first floor elevation as presently shown on the approved plats in Case Nos. 98-238-SPHXA & 98-239-XA.

Should any of you have any questions or desire additional information relative to the findings made by this letter, please do not hesitate to contact me.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

c: Case File No. 98-238-SPHXA
Case File No. 98-239-XA.

ROBERT D. SELLERS

ATTORNEY AT LAW

SUITE 303

401 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

ROBERT D. SELLERS

LAURIE ANNE FILIPPI*

*ALSO ADMITTED IN PA

(410) 583-1712

(800) 543-6309

FAX (410) 583-2378

December 16, 1998

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, MD 21204


RE: 10881/10883 York Road

Dear Howard:

Enclosed please find a copy of the letter you prepared to Commissioner Schmidt containing the original signatures of my clients. It is my understanding that Mr. Farrell will sign this letter and that it will be submitted to Commissioner Schmidt along with a draft of your spirit and intent letter which we hope he will sign. Please provide me with copies of all letters after they are fully signed.

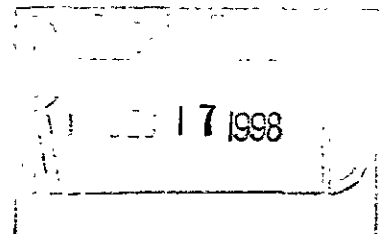
As always, it is a pleasure to work with you. Also please indicate to your client that the sum of \$100.00 will be adequate to cover my fees, which I understand he has agreed to pay. Please forward that sum to my office at the time you provide me with copies of the letters. Please call with any questions.

Yours,



Robert D. Sellers

RDS/jpg
Encl.



Design Computations

J.O. 89106.BBy JWS

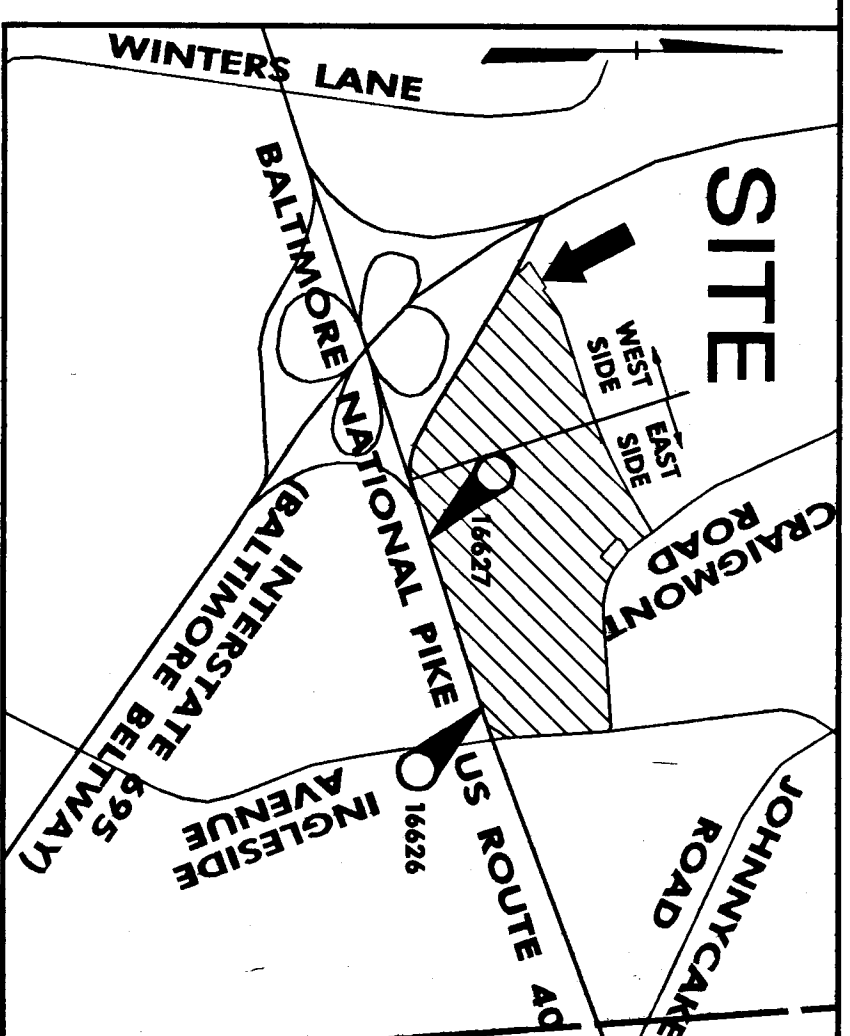
Subject

WESTVIEW MALLDate 2/10/99Sheet 1 Of 1PARKING VARIANCE INFO

MAXIMUM GLA ALLOWED ON-SITE AFTER LOWE'S IS
COMPLETE AND NO OTHER DEMOLITION OR CONSTRUCTION BEGINS
IS 520,459 SF TO MAINTAIN A 32% VARIANCE.

586,936 SF ULTIMATE GLA ON VARIANCE
66,477

THE # OF EXISTING PARKING SPACES UNDER THE PARKING DECK IS 549.



LEGEND

EXISTING STRUCTURES TO BE DEMOLISHED

PROPOSED BUILDING AREA

NUMBER OF PARKING SPACES TO BE DEMOLISHED

SF OF GROSS LEASABLE AREA "GLA"

TRAFFIC FLOW DIRECTIONAL ARROW

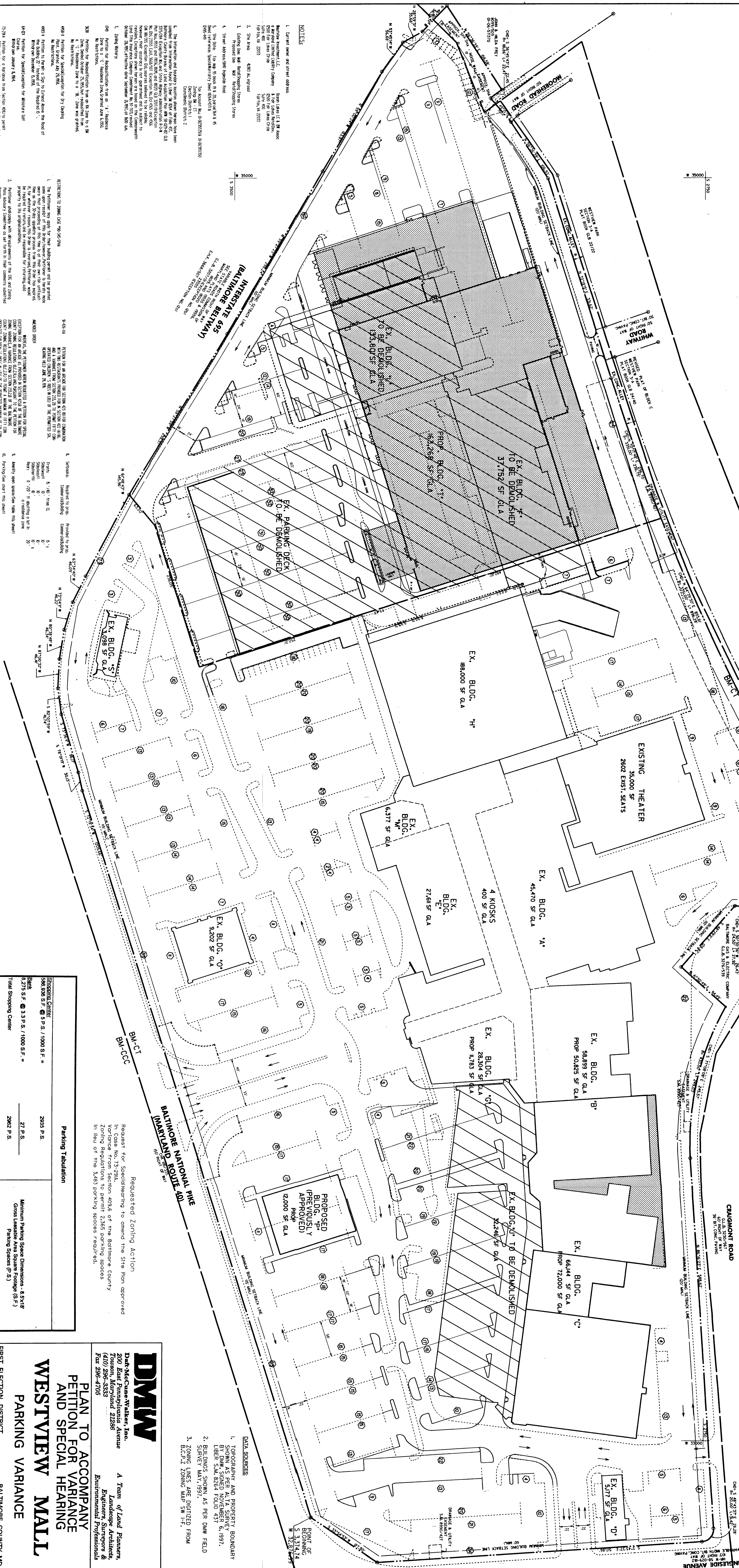
ZONING LINE

PROPERTY LINE

EXISTING PARKING, STRIPING, AND CURB

PROPOSED PARKING, STRIPING, AND CURB

SETBACK LINE



- NOTES:

[illegible]

Councilor position: 1
Councilmember District: 2

335-2784 (Fayetteville, Mo.) and State Highway Administration B-0-11

CRK 861/355 (Exception 12), sources believed to be reliable;
however, their accuracy is not guaranteed and is subject to

October 28, 1997, effective date September 2, 1997, at 8:00 a.m.

1149 Petition for reclassification from an 'A' Residence Zone to a 'C' Residence Zone, granted June 5, 1950.

Patronized for Massachusetts from 1901 to 1906.
Zona. Denied October 25, 1955, but reclassified from

4458-X Petition for Specialization for Dry Cleaning
Bond (created July 29, 1984)

4433-V Position to Permit a Sign to Extend Above the Road of the Building 22' Instead of the Required 15'.

64-2a Petition for SpecialException for Marriage Edit
Court 5a.

75-291 Petition for a Variance from Section 409.1 to permit 3376 offstreet parking spaces instead of the required

BLUPP, W. and RUDP, Z.

CURRENT PLANNING SHOWING: CONVENIENT, HANDICAPPED
PARKING SPACES REQUIRED

WILL LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED
10 FEET AND FROM SETBACK AREA TO ALLOW PERFECT ACCESS

LED OF THE 4059 REINFORCED AND FROM SECTION 409.3A.5 TO ALLOW DEAD-END ASLE WITHOUT TURN-AROUNDS ALONG

ABLE TO CROSS THE PRINCIPAL PEDESTRIAN ACCESS FROM
BANK BUILDING D. GRANTED JUNE 8, 1990.


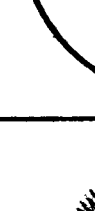
[illegible]

DMW

DarbyMcCune-Walters Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-4383
Fax: 296-4705

*A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals*

**PETITION FOR VARIANCE
AND SPECIAL HEARING
WESTVIEW MALL,
PARKING VARIANCE**

DATE	BY	REVISIONS
04-23-98		
		
REVIEW:	DATE:	
DESIGNED BY:	02/27/98	
PERMIT:		
CONSTRUCTION:		
BASE:		
FINISH:		
W/2:		
DISCLOSED:		
ORDERED BY:		
DATE CHECKED:	04/14/98	

